REMARKS

Claims 1 – 12 are pending in the application.

Applicants' prior response in favor of the claims was found to be persuasive in overcoming rejections made in the First Office Action.

The Examiner has issued a new rejection of all pending claims under 35 U.S.C. § 103, on the grounds that the claims in the patent application are an obvious combination of features described in previously cited prior art references Pogue, Appleman and Shrader.

Claim 1 has been amended to clarify a critical feature of the invention thought to be inherent in the original claim language.

Reconsideration and allowance of all claims is respectfully requested in view of the following remarks distinguishing the prior art of record from the limitations found in the claims and critical to operation of the invention.

A. The Pogue Reference Does Not Teach A Critical Feature Of The Claims

The specific rejections to the claims are as follows:

Claims 1-3 and 5-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,112,240 (Pogue, et al.) and U.S. Patent No. 6,081,788 (Appleman).

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pogue and Appleman as applied to claims 1-3, and further in view of U.S Patent No. 6,374,359 (Shrader, et al.).

The above rejections hinge on the finding by the Examiner that the Pogue reference teaches the steps for (a) embedding cookie processing script in the web page code and (b) operating the cookie processing script on the web browsing data to obtain new cookie values. The Examiner cites the material in Pogue FIG. 6, and the text starting at Col. 6, line 46 through Col. 7, line 22 for support of this interpretation. Applicants traverse this reasoning on the grounds that Pogue does not teach the concept of embedding cookie processing scripts within the transmitted web page and operating the cookie processing script on the client computer. Instead, Pogue appears to teach that all cookies are generated in a tracker 310 external to the client computer 200.

Pogue (Figure 3) clearly identifies the physical difference between a client computer 200 (which host the browser 302) and the tracking computer 308 (which hosts the tracker 310) connected through the internet cloud 295A.

Then Pogue (Col. 6, line 51 to Col. 7, line 10) describes Step 602 where "the browser 302 then reads and executes the tracker tag, which causes a tracker message to be directed from the browser 302 to the tracker 310 on the tracking computer 308." (emphasis added)

Clearly at this stage, there is a physical difference between the client computer 200 and the tracking computer 308. But to further the point, Pogue clearly admits that cookie processing is accomplished on the tracking computer 308 by the comment (Col. 7, line 11-15) that "the tracker 310 then transmits a new cookie to the browser 302...."

In addition, Pogue (Col. 7, line 48-50) further identifies that a tracker 310 is "any program that implements the above described processes. In the preferred embodiment, the tracker 310 is a CGI program written in C++." This statement, for someone skilled in the arts, clearly limits the applicability of program execution for the tracker 310 program, as web browser 302 does not support the concept of a CGI gateway.

More specifically, Pogue states only generally that "the tracker 310 uses cookies and common gateway (CGI) scripts to obtain the client information." The tracker 310, however, operates on the tracking computer 308 and not on the browser of the client computer 200, see, e.g., Pogue FIG. 3. Furthermore, FIG. 6 shows that the tracker directs the cookie to the browser; a step that would be unnecessary in the present invention where the cookie is generated at the client computer itself by the cookie generating script residing there. Responsive to a browser command at the client computer, the Pogue tracker (external of the client computer) receives the last cookie [Col. 7, line 3] and then transmits a new cookie to the browser [Col. 7, lines 11-13] thereby replacing the old cookie.

In summary, therefore, Pogue does not in fact teach the steps of including cookie processing script within the web page and uploading the web page (and the script) to the visitor computer to operate thereon. Instead, Pogue appears to teach common usage of cookies that are stored on the visitor computer, accessed during a web page download request, and changed at the web page server or associated external computer to indicate the request. Such a feature would be blocked by the browser feature noted in applicants' Background of the Invention section, see, e.g., page 3, lines 7-15 of the filed application. To further emphasize this difference between Pogue and the present invention as claimed, we have amended the fifth step of claim 1 to recite that the cookie processing script is operated at the visitor computer on the web browsing data to obtain new cookie values. Claim 9 needs no such clarification as the wording explicitly states that the cookie processing script is operated at the client node. Neither of the other prior art references, Appleman and Shrader, provide the missing elements from the claims and therefore rejection under §103(a) would be

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PAGE 7/8 * RCVD AT 11/29/2005 2:45:22 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/37 * DNIS:2738300 * CSID:5032744622 * DURATION (mm-ss):02-46
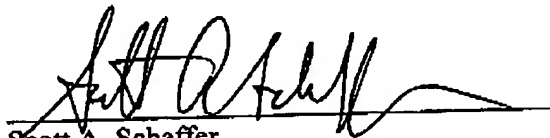
improper. Furthermore, as the claims dependent from independent claims 1 and 9 necessarily include such a feature, missing from the prior art, such dependent claims would be likewise allowable over the prior art of record.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1 - 12 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: 503-222-3613
Customer No. 20575

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